

Delegated Decision Notice

This form is the written record of a key, significant operational or administrative decision taken by an officer.

Decision type	<input type="checkbox"/> Key Decision	<input checked="" type="checkbox"/> Significant Operational Decision	<input type="checkbox"/> Administrative Decision
Approximate value	<input type="checkbox"/> Below £500,000 <input type="checkbox"/> £500,000 to £1,000,000 <input type="checkbox"/> over £1,000,000	<input type="checkbox"/> below £25,000 <input checked="" type="checkbox"/> £25,000 to £100,000 <input type="checkbox"/> £100,000 to £500,000 <input type="checkbox"/> Over £500,000	<input type="checkbox"/> below £25,000 <input type="checkbox"/> £25,000 to £100,000
Director¹	Director of City Development		
Contact person:	Daniel Riley	Telephone number: 0113 378 8093	
Subject²:	Design & Cost Report for S278 Highway Works Associated with the Entrance to Aire Park		
Decision details³:	<p>What decision has been taken?</p> <p>The Chief Officer (Highways and Transportation) was requested to:</p> <ol style="list-style-type: none"> a. Note the detail of the highway works described in outline in paragraph 4 of this report and shown on plan LDS-CUR-SW-CIV-ZZ-DR-95002-P05 S278 Layout attached at Appendix 3; b. Give authority to negotiate the terms of and enter into an agreement with the developer under the provisions of Section 278 of the Highways Act 1980; whereby the works associated with the development are carried out by the developer and overseen by the Council. c. Give authority to incur expenditure of £10,000 TRO costs and £14,430 staff checking and inspection fees to be fully funded by a developer through a Section 278 Agreement. d. Approve the adoption of new highway construction on land shaded purple on drawing number LDS-CUR-SW-CIV-ZZ-DR-95003-P04 S278 Dedication Plan attached at Appendix 4 so that it can be added to the Council's maintenance regime. e. Authorise the City Solicitor to advertise a notice under the provisions of Section 90A of the Highways Act 1980 in order to inform the public of the new raised speed table at the Hunslet Road / Waterloo Street junction and if no valid objections are received, to continue with the works as advertised, f. Authorise the City Solicitor to advertise a Draft Traffic Regulation Order to remove the no waiting at any time order and replace with a loading only order within the loading bay as shown on drawing ref: LDS-CUR-SW-CIV-ZZ-DR-95002-P04 S278 Layout attached at Appendix 3 and if no valid objections are received, to make, seal and implement the Orders as 		

¹ Give title of Director with delegated responsibility for function to which decision relates.

² If the decision is key and has appeared on the list of forthcoming key decisions, the title of the decision should be the same as that used in the list

³ Simply refer to supporting report where used as these matters have been set out in detail.

advertised;
If objections are received when advertised these will be reported back to board.

A brief statement of the reasons for the decision

- 1 Section 278 of the Highways Act 1980 allows Highways Authorities to enter into agreements with developers for the execution of highway works at the developer's expense. The preconditions for an agreement under Section 278 of the Highways Act 1980 are, first, that the Highway Authority should be satisfied that it will be of benefit to the public to enter into an agreement for the execution of the works and, secondly, that the work must fall within the Highway Authority's powers of road building, improvement and maintenance.
- 2 The proposals within this report are concerned only with the delivery of the off-site highway works, the principle of these works having been considered and accepted as part of the planning process for planning consent 19/06625/RM. The location of the development site is provided on LDS-SW-PLN-LAN-ZZ-DR-0001 Rev P00 at **Appendix 2** of this report. A Park Entrance S278 Layout Plan (drawing ref: LDS-CUR-SW-CIV-ZZ-DR-95002-P05 S278 Layout) is provided at **Appendix 3** of this report. A S278 Park Entrance Dedication Plan (drawing ref: LDS-CUR-SW-CIV-ZZ-DR-95003-P04) is provided at **Appendix 4** of this report.
- 3 Planning permission was granted in October 2020 (ref: 19/06625/RM) for Plots 1a and 1b (City Park) pursuant to Outline Planning Permission 17/02501/OT and associated highway improvements at the entrance to the park at the Hunslet Road / Waterloo Street junction. The site location is as shown on the Location Plan at **Appendix 2**. The planning consent requires a package of highway improvements described in detail in paragraph 4 below.
- 4 The highway works are required for planning permission 19/06625/RM. The proposed works comprise:
 - Raised table to the Hunslet Road / Waterloo Street junction;
 - Layby on Waterloo Street and new 2.0m footway to rear;
 - Alterations to existing TRO to create loading only waiting restriction within the layby;
 - Realignment of kerb line on the southern side of Waterloo Street;
 - Resurfacing of footway on the southern side of Waterloo Street;
 - Adoption of new land (shaded in red on the S278 Park Entrance Dedication Plan ref: LDS-CUR-SW-CIV-ZZ-DR-95003-P04) to form new footway;
 - Redundant area of adopted highway to be stopped up (shaded in red on the Park Entrance S278 Layout Plan ref: LDS-CUR-SW-CIV-ZZ-DR-95002-P05);
 - All associated civils works, including (inter alia) reconstruction, tie-ins, resurfacing, lighting, signing, drainage and lining works etc;
 - Any associated statutory undertakers' works resulting from the works; and
 - Any works reasonably required following safety audits of the design and construction of the highway works.

	<p>5 The developer is pursuing the stopping up of the adopted highway through Section 247 of the Town and Country Planning Act 1990. This is being dealt with separately outside of this Section 278 agreement therefore no authorisation is being requested.</p> <p>6 Land being dedicated as highway on the S278 Park Entrance Dedication Plan is a combination of West Yorkshire Combined Authority (WYCA) owned land and Vastint owned land. WYCA land is to the east of Hunslet Road, WYCA have confirmed they are happy for this land to be dedicated as highway and will be signatories to the legal agreement.</p> <p>7 To meet the requirements of the planning permission and deliver the highway improvements outlined above the developer seeks to enter into a Section 278 Agreement (Highways Act 1980) to enable the highways works to be carried out.</p> <p>8 This report seeks authority to negotiate terms and enter into a S278 Agreement for the highway works associated with the development to allow the works to be designed and carried out by the developer, overseen by the Council.</p> <p>9 The planned highway works will contribute to the Best Council Plan by maintaining and improving the safety of Leeds residents and enabling safe pedestrian, cycle and vehicular access in the local community.</p>
	<p>Brief details of any alternative options considered and rejected by the decision maker at the time of making the decision</p> <p>N/A</p>
<p>Affected wards:</p>	<p>Hunslet & Riverside</p>
<p>Details of consultation undertaken⁴:</p>	<p>Executive Member</p> <hr/> <p>Ward Councillors</p> <p>Hunslet & Riverside Ward Members were consulted by email dated 17th August 2022, no comments have been received at the time of writing this report.</p> <hr/> <p>Chief Digital and Information Officer⁵</p> <hr/> <p>Chief Asset Management and Regeneration Officer⁶</p>

⁴ Include details of any interest disclosed by an elected Member on consultation and the date of any relevant dispensation given.

⁵ See Officer Delegation Scheme (Executive Functions) CDIO must be consulted in relation to all matters relating to the Council's use of digital technology

	<p>Others</p> <p>Internal consultation has taken place with colleagues in Highways and Transportation Services by email dated 17th August 2022. Following comments made through internal consultation details on the flush granite kerbs have been amended and the construction detail of the raised table has been updated to provide a minimum of 150mm compacted sub base.</p>		
Implementation	<p>Officer accountable, and proposed timescales for implementation</p> <p>Works for the proposed development are expected to commence October 2023. The proposed highway works are expected to be fully implemented by December 2023.</p>		
List of Forthcoming Key Decisions⁷	Date Added to List:-		
	If Special Urgency or General Exception a brief statement of the reason why it is impracticable to delay the decision		
	If Special Urgency Relevant Scrutiny Chair(s) approval Signature _____ Date _____		
Publication of report⁸	If not published for 5 clear working days prior to decision being taken the reason why not possible:		
	If published late relevant Executive member's approval Signature _____ Date _____		
Call In	Is the decision available ⁹ for call-in?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	If exempt from call-in , the reason why call-in would prejudice the interests of the council or the public:		
Approval of Decision	Authorised decision maker ¹⁰ Gary Bartlett – Chief Officer, Highways & Transportation		
	Signature	Date 14 th September 2023	

⁶ See Officer Delegation Scheme (Executive Functions) CAMRO must be consulted in relation to all matters relating to the Council's land and buildings.

⁷ See Executive and Decision Making Procedure Rule 2.4 - 2.6. Complete this section for key decisions only

⁸ See Executive and Decision Making Procedure Rule 3.1. Complete this section for key decisions only

⁹ See Executive and Decision Making Procedure Rule 5.1. Significant operational decisions taken by officers are never available for call in. Key decisions are always available for call in unless they have been exempted from call in under rule 5.1.3.

¹⁰ Give the post title and name of the officer with appropriate delegated authority to take the decision.

	CJ Bartlett.	
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